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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.
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09/086,294 05/28/98 STUMER

P 98-P-7528-US

EXAMINER

TM02/0329

SIEMENS CORPORATION  
INTELLECTUAL PROPERTY DEPARTMENT  
186 WOOD AVENUE SOUTH  
ISELIN NJ 08830

DEANE IR W

ART UNIT

PAPER NUMBER

2642

DATE MAILED:

03/29/01

**Please find below and/or attached an Office communication concerning this application or proceeding.**

**Commissioner of Patents and Trademarks**

# Office Action Summary

Application No.  
09/086,294

Applicant(s)  
Stumer

Examiner  
Bill Deane

Group Art Unit  
2642



☒ Responsive to communication(s) filed on Jan 8, 2001

☐ This action is **FINAL**.

☐ Since this application is in condition for allowance except for formal matters, **prosecution as to the merits is closed** in accordance with the practice under *Ex parte Quayle*, 35 C.D. 11; 453 O.G. 213.

A shortened statutory period for response to this action is set to expire 3 month(s), or thirty days, whichever is longer, from the mailing date of this communication. Failure to respond within the period for response will cause the application to become abandoned. (35 U.S.C. § 133). Extensions of time may be obtained under the provisions of 37 CFR 1.136(a).

## Disposition of Claim

☒ Claim(s) 1-12 is/are pending in the application

Of the above, claim(s) \_\_\_\_\_ is/are withdrawn from consideration

☐ Claim(s) \_\_\_\_\_ is/are allowed.

☒ Claim(s) 1-12 is/are rejected.

☐ Claim(s) \_\_\_\_\_ is/are objected to.

☐ Claims \_\_\_\_\_ are subject to restriction or election requirement.

## Application Papers

☐ See the attached Notice of Draftsperson's Patent Drawing Review, PTO-948.

☐ The drawing(s) filed on \_\_\_\_\_ is/are objected to by the Examiner.

☐ The proposed drawing correction, filed on \_\_\_\_\_ is ☐ approved ☐ disapproved.

☐ The specification is objected to by the Examiner.

☐ The oath or declaration is objected to by the Examiner.

## Priority under 35 U.S.C. § 119

☐ Acknowledgement is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d).

☐ All ☐ Some\* ☒ None of the CERTIFIED copies of the priority documents have been

☐ received.

☐ received in Application No. (Series Code/Serial Number) \_\_\_\_\_

☐ received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

\*Certified copies not received: \_\_\_\_\_

☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. § 119(e).

## Attachment(s)

☒ Notice of References Cited, PTO-892

☐ Information Disclosure Statement(s), PTO-1449, Paper No(s). \_\_\_\_\_

☐ Interview Summary, PTO-413

☐ Notice of Draftsperson's Patent Drawing Review, PTO-948

☐ Notice of Informal Patent Application, PTO-152

--- SEE OFFICE ACTION ON THE FOLLOWING PAGES ---

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**DETAILED ACTION**

***Claim Rejections - 35 USC § 112***

1. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

2. Claim 7 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Specifically, Claim 7 depends on itself.

**Claim Rejection - 35 USC 102**

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless --

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

4. Claims 1 - 12 are rejected under 35 U.S.C. 102(b) as being anticipated by U.S. Patent No. 4,400,587 (Taylor et al.).

With respect to claims 1 - 6 and 8 - 12, applicant's claims are so broad as to read on just about any type of switches, nodes or servers. For example, Taylor et al. teach one or more servers (i.e., ACDs A, B, C of Fig. 1), a monitoring system responsive to a control program to determine which server will execute a service. Note that Taylor et al. teach that if there is an

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overflow another server (ACD) will be chosen to complete the service of getting the call to the appropriate agent. Note that the call from the server (ACD) is a redirection of the call and that call forwarding and call transfer is a redirection service. Further note, with respect to claim 5, that Taylor et al. teach a predetermined condition (see Fig. 6, step called launch and Col 4. Lines 38+) and that if the time limit is exceeded the system is disabled (Fig. 6). With respect to claim 7, note Fig. 6, the periodic entry aspect to Taylor et al. With respect to claim 8, note that any of the tables in Fig. 7 can be customized and the predetermined time (Launched) can be customized.

***Response to Arguments***

5. Applicant's arguments with respect to claims 1 - 12 have been considered but are moot in view of the new ground(s) of rejection.

**Conclusion**

6. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure: U.S. Patent No. - 5,590,188 (Crockett) - note Fig. 1; and

U.S. Patent No. (Frauenthal et al.) - note Fig. 3.

7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Bill Deane whose telephone number is (703) 306 - 5838. In addition, facsimile transmissions should be directed to Bill Deane at facsimile number (703) 308 - 6306.

WJD

March 26, 2001

**WILLIAM J. DEANE, JR.  
PATENT EXAMINER**

